

REMARKS

Claim 1-36 are pending. The Office Action, dated March 4, 2009, has been carefully considered. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 3, 7, 9-13, 15-17, 20, 23-24, 27, and 29 have been amended in this Response. Claim 36 has been added in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Rejections of Claims 1-9 and 31-32 under 35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,924,074 to Evans ("Evans") and U.S. Patent No. 7,027,872 to Thompson ("Thompson") in view of U.S. Patent No. 7,039,810 to Nichols ("Nichols"). In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 1 has been amended to recite:

A system for transferring electronic medical files comprising:

~~a record encapsulation system configured for encapsulating to encapsulate at least a portion of a first version of a medical record data file, the portion comprising sealed medical data, wherein encapsulating [[a]]the portion of the medical record data file comprises generating a value based on the data structure of the medical record data file, such that modifications to the medical record data file are detected;~~

~~a record server configured to;~~

~~encrypt the encapsulated first version of the medical record data file; and~~

~~transmit the encrypted, encapsulated first version of the medical record data file to [[a]]the record client; and~~

~~receive a received version of the medical record data file from the record client, the received version having additional data added to the medical record data file;~~

~~a file detection system configured to detect, based on the value, if the sealed medical data has been modified from the first version in the received version;~~

a record database system configured to, if the sealed medical data has been modified from the first version in the received version, store the sealed medical data in the first version separately from the modifications; and
a notification system configured to, if the sealed medical data has been modified from the first version in the received version, generate notification data comprising notification of the modifications.

Support for this Amendment can be found at least at paragraphs [0025], [0026], [0031], [0036], and [0083] of the Application as originally filed.

In the Office Action the Examiner states that the previous limitation of “such that modifications to the medical record data file are detected” was given little patentable weight. Claim 1 has been amended to recite “detect[ing], based on the value, if the sealed medical data has been modified from the first version in the received version.” In Claim 1, a medical record data file comprises sealed medical data. A value is generated based on the data structure of the medical record data file. The value is used to determine whether the sealed medical data has been modified in a received version of the medical record data file, which has additional data added.

The Office Action cites Thompson as disclosing “encrypting patient data according to the sensitiv[ity] of data and default values.” Thompson discloses transferring data using encryption to prevent eavesdropping and corruption as data is transferred through a channel or network. Thompson column 4, lines 28-44. Thus, Thompson is concerned with the integrity of the data **as it is transferred**. Thompson is not concerned with detecting if a modification is made to sealed medical data at one end of the transfer as recited in Claim 1. Therefore, Thompson does not disclose “generat[ing] a value based on the data structure of the medical record data file” and “detect[ing], “based on the value, if the sealed medical data has been modified from the first version [of the file] in the received version [of the file].”

Thompson also discloses the use of “message integrity checks” such as checksums. Thompson column 4, line 63, to column 5, line 3. However, Claim 1 recites that the received version of the medical record data file will be modified from the first version, because the received version has “additional data added.” Claim 1 thus contemplates a modification to the medical record data file. Claim 1 recites detecting a modification to the **sealed medical data** in the medical record data file, as distinguished from detecting whether the received version has been modified from the first version at all.

Further, neither Evans nor Nichols teaches, suggests, or discloses “detect[ing], based on the value, if the sealed medical data has been modified from the first version in the received version” as recited in Claim 1. Thus, the combination of Evans and Thompson in view of Nichols cited by the Examiner would not include detection of modification of sealed data as recited in Claim 1.

In view of the foregoing, it is apparent that the cited references do not teach the unique combination now recited in amended Claim 1. Applicants therefore submit that amended Claim 1 is clearly and precisely distinguishable over the cited references in a patentable sense, and is therefore allowable over these references and the remaining references of record. Accordingly, Applicants respectfully request that the rejection of amended Claim 1 under 35 U.S.C. § 103(a) be withdrawn and that Claim 1 be allowed.

Claims 2-9 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Thompson in view of Nichols. However, Claims 2-9 and 31 depend from and further limit Claim 1. Hence, for at least the aforementioned reasons that Claim 1 should be deemed to be in condition for allowance, Claims 2-9 and 31 should be deemed to be in condition for allowance.

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. However, Claim 32 depends from and further limits Claim 1. Hence, for at least the

aforementioned reasons that Claim 1 should be deemed to be in condition for allowance, Claim 32 should be deemed to be in condition for allowance.

Rejections of Claims 10-15 and 33 under 35 U.S.C. § 103

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Thompson in view of Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 10 has been amended similarly to Claim 1. Support for this Amendment can be found at least at paragraphs [0025], [0026], [0031], [0036], and [0083] of the Application as originally filed. Applicants contend that the rejection of amended Claim 10 is overcome for at least some of the reasons that the rejection of Claim 1 as amended is overcome. None of Nichols, Thompson, and Evans discloses “detecting, based on the value, if the sealed medical record data has been modified from the first version in the received version” as recited in Claim 10. Applicants therefore respectfully submit that amended Claim 10 is clearly and precisely distinguishable over the cited references in any combination.

Claims 11-15 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Thompson in view of Nichols. However, Claims 11-15 and 33 depend from and further limit Claim 10. Hence, for at least the aforementioned reasons that Claim 10 should be deemed to be in condition for allowance, Claims 11-15 and 33 should be deemed to be in condition for allowance.

Rejections of Claims 16-19 and 35 under 35 U.S.C. § 103

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of U.S. Patent No. 6,305,377 to Portwood et al. (“Portwood”). In light of the amendments

submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 16 has been amended to recite:

A system for distributing packaged medical supplies comprising:

a record server configured to:
generate medical supply package data, the medical supply package data comprising:
identification of at least one physical package containing physical medical supplies;
identification of the physical medical supplies; and
identification of a remote site the physical package is to be physically moved to;
transmit the medical supply package data to a record client located at the remote site; and ~~to~~
correlate the package data with verification data received from the record client; ~~wherein the medical supply package data identifies an at least one physical package of medical supplies, the verification data comprising:~~
identification of at least one physical package received by the record client;
identification of a patient prescription received by the record client; and
identification of the site of the record client.

Support for this Amendment can be found at least at paragraphs [0090]-[0094] of the Application as originally filed.

Claim 16 previously recited “the medical supply package data identifies an at least one physical package of medical supplies.” Portwood discloses a system which works with electronic prescription data. Portwood column 3, lines 43-49, and column 7, lines 35-37. The Office Action respectfully submits that “prescriptions are a form of ‘medical supplies’.” Claim 16 has been amended to recite “identification of at least one physical package containing **physical** medical supplies.” (Emphasis added). Claim 16 now recites the medical supplies are “physical.” In contrast, Portwood deals with transfer of prescription data. Portwood column 3, lines 43-49, and column 7, lines 35-37.

Prescription data is a form of “informational” medical supplies, rather than “physical” medical supplies as recited in Claim 16. The prescription data is a form of medical supplies not because of its physical characteristics, but rather because of its informational content. This is shown by Portwood’s description of the prescription data as “transferred to the server.” Portwood column 7, lines 35-37. The prescription data being “transferred to the server” indicates the prescriptions are simply data and not physical medical supplies. Therefore, Portwood does not disclose the limitation of “identification of at least one physical package containing physical medical supplies.”

Further, Claim 16 now recites “identification of a remote site the physical package is to be physically moved to.” Evans and Portwood disclose only the electronic transfer of data, not physical movement of a physical package. Therefore, neither Evans nor Portwood discloses this limitation.

In view of the foregoing, it is apparent that the cited references do not teach the unique combination now recited in amended Claim 16. Applicants therefore submit that amended Claim 16 is clearly and precisely distinguishable over the cited references in a patentable sense, and is therefore allowable over these references and the remaining references of record. Accordingly, Applicants respectfully request that the rejection of amended Claim 16 under 35 U.S.C. § 103(a) be withdrawn and that Claim 16 be allowed.

Claims 17, 19, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans in view of Portwood. However, Claims 17, 19, and 35 depend from and further limit Claim 16. Hence, for at least the aforementioned reasons that Claim 16 should be deemed to be in condition for allowance, Claims 17, 19, and 35 should be deemed to be in condition for allowance.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Portwood in further view of Nichols. However, Claim 18 depends from and further limit Claim 16.

Hence, for at least the aforementioned reasons that Claim 16 should be deemed to be in condition for allowance, Claim 18 should be deemed to be in condition for allowance.

Rejections of Claims 20-22 under 35 U.S.C. § 103

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Portwood in view of Evans. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 20 has been amended similarly to Claim 16. Support for this Amendment can be found at least at paragraphs [0090]-[0094] of the Application as originally filed. Applicants contend that the rejection of amended Claim 20 is overcome for at least some of the reasons that the rejection of Claim 16 as amended is overcome. None of Portwood and Evans discloses “identification of at least one physical package containing physical medical supplies” or “identification of a remote site the physical package is to be physically moved to” as recited in Claim 23. Applicants therefore respectfully submit that amended Claim 23 is clearly and precisely distinguishable over the cited references in any combination.

Claims 21-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Portwood in view of Evans. However, Claims 21-22 depend from and further limit Claim 20. Hence, for at least the aforementioned reasons that Claim 20 should be deemed to be in condition for allowance, Claims 21-22 should be deemed to be in condition for allowance.

Rejections of Claim 23 under 35 U.S.C. § 103

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Thompson in view of Nichols. In light of the amendments submitted herewith, Applicants

respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 23 has been amended similarly to Claim 1. Support for this Amendment can be found at least at paragraphs [0025], [0026], [0031], [0036], and [0083] of the Application as originally filed. Applicants contend that the rejection of amended Claim 23 is overcome for at least some of the reasons that the rejection of Claim 1 as amended is overcome. None of Nichols, Thompson, and Evans discloses “detect[ing], based on the value, if the sealed medical data has been modified from the first version in the second version” as recited in Claim 23. Applicants therefore respectfully submit that amended Claim 23 is clearly and precisely distinguishable over the cited references in any combination.

Rejections of Claims 24-26 under 35 U.S.C. § 103

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Thompson in view of Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 24 has been amended similarly to Claim 1. Support for this Amendment can be found at least at paragraphs [0025], [0026], [0031], [0036], and [0083] of the Application as originally filed. Applicants contend that the rejection of amended Claim 24 is overcome for at least some of the reasons that the rejection of Claim 1 as amended is overcome. None of Nichols, Thompson, and Evans discloses “detecting, based on the value, if the sealed medical data has been modified from the first version in the second version” as recited in Claim 24. Applicants therefore respectfully submit that amended Claim 24 is clearly and precisely distinguishable over the cited references in any combination.

Claims 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. However, Claims 25-26 depend from and further limit Claim 24. Hence, for at least the aforementioned reasons that Claim 24 should be deemed to be in condition for allowance, Claims 25-26 should be deemed to be in condition for allowance.

Rejections of Claims 27-28 under 35 U.S.C. § 103

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Thompson in view of Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 27 has been amended similarly to Claim 1. Support for this Amendment can be found at least at paragraphs [0025], [0026], [0031], [0036], and [0083] of the Application as originally filed. Applicants contend that the rejection of amended Claim 27 is overcome for at least some of the reasons that the rejection of Claim 1 as amended is overcome. None of Nichols, Thompson, and Evans discloses “detecting, based on the value, if the encapsulated comment data has been modified from the second version in the third version” as recited in Claim 27. Applicants therefore respectfully submit that amended Claim 27 is clearly and precisely distinguishable over the cited references in any combination.

Claim 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. However, Claim 28 depends from and further limit Claim 27. Hence, for at least the aforementioned reasons that Claim 27 should be deemed to be in condition for allowance, Claim 28 should be deemed to be in condition for allowance.

Rejections of Claims 29-30 under 35 U.S.C. § 103

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Thompson in view of Nichols. In light of the amendments submitted herewith, Applicants respectfully submit that the rejection has been overcome. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim 29 has been amended similarly to Claim 1. Support for this Amendment can be found at least at paragraphs [0025], [0026], [0031], [0036], and [0083] of the Application as originally filed. Applicants contend that the rejection of amended Claim 27 is overcome for at least some of the reasons that the rejection of Claim 1 as amended is overcome. None of Nichols, Thompson, and Evans discloses “detecting, based on the value, if the sealed medical data has been modified from the first version in the second version” as recited in Claim 29. Applicants therefore respectfully submit that amended Claim 29 is clearly and precisely distinguishable over the cited references in any combination.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. However, Claim 30 depends from and further limits Claim 29. Hence, for at least the aforementioned reasons that Claim 29 should be deemed to be in condition for allowance, Claim 30 should be deemed to be in condition for allowance.

Amendments to Claims 3, 7, 9, 11, 13, 15, and 17

Claim 3 has been amended in this Response. Support for the Amendment to Claim 3 may be found at least at paragraph [0025] of the application as originally filed.

Claim 7 has been amended in this Response. Support for the Amendment to Claim 7 may be found at least at paragraph [0041] of the application as originally filed.

Claim 9 has been amended in this Response. Support for the Amendment to Claim 9 may be found at least at paragraph [0032] of the application as originally filed.

Claim 11 has been amended in this Response. Support for the Amendment to Claim 11 may be found at least at paragraph [0023] of the application as originally filed.

Claim 13 has been amended in this Response. Support for the Amendment to Claim 13 may be found at least at paragraph [0032] of the application as originally filed.

Claim 15 has been amended in this Response. Support for the Amendment to Claim 15 may be found at least at paragraph [0026] of the application as originally filed.

Claim 17 has been amended in this Response. Support for the Amendment to Claim 17 may be found at least at paragraph [0039] of the application as originally filed.

Claim 36

Claim 36 has been added in this Response. Support for Claim 36 may be found at least at paragraph [0090] of the application as originally filed. Claim 36 depends from and further limits Claim 16. Hence, for at least the aforementioned reasons that Claim 16 should be deemed to be in condition for allowance, Claim 36 should be deemed to be in condition for allowance.

Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-36.

Applicants hereby request an extension of time for making this reply and hereby authorize the Director to charge the required fee to Deposit Account No. 50-0605 of CARR LLP. Regarding new Claim 36, Applicants hereby authorize the Director to charge the fees required under 37 C.F.R. §1.16(i), for 1 Claim in excess of 20, to Deposit Account No. 50-0605 of CARR LLP. Applicants do not believe that any other fees are due; however, in the event that any other fees are due, the Director is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP

Dated: July 6, 2009
CARR LLP
670 Founders Square
900 Jackson Street
Dallas, Texas 75202
Telephone: (214) 760-3030
Fax: (214) 760-3003

/Theodore F. Shiells/
Theodore F. Shiells
Reg. No. 31,569